

1 DEVIN DERHAM-BURK #104353  
2 CHAPTER 13 STANDING TRUSTEE  
3 P O BOX 50013  
4 SAN JOSE, CA 95150-0013

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8 Telephone: (408) 354-1345  
9 Facsimile: (408) 354-5513

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14 UNITED STATES BANKRUPTCY COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 Chapter 13

18 In Re: ) Case No. 16-51827 HLB  
19 RUSSELL D HANES )  
20 ) **NOTICE OF DEFAULT IN**  
21 ) **CHAPTER 13 PLAN PAYMENTS**  
22 ) **AND DEMAND FOR CURE WITH**  
23 ) **CERTIFICATE OF SERVICE**  
24 Debtor )  
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26 **NOTICE TO THE DEBTOR: YOU ARE BEHIND ON YOUR CHAPTER 13 PLAN**  
27 **PAYMENTS AND YOUR CASE WILL BE DISMISSED UNLESS YOU CATCH UP ON**  
28 **YOUR PAYMENTS. YOU MUST TAKE ACTION WITHIN 21 DAYS OF THE DATE**  
29 **OF THIS NOTICE.**

30 YOU ARE HEREBY NOTIFIED that the Chapter 13 Trustee's records show that you have not  
31 made all the payments required by your confirmed Chapter 13 Plan.

32 1. YOU ARE IN DEFAULT UNDER YOUR CHAPTER 13 PLAN. As of Sep 30, 2019  
33 your payments to the Chapter 13 Trustee should total: \$22,920.00. According to the  
34 Trustee's records, you have only paid \$21,720.00 resulting in a \$1,200.00 default through  
35 Sep 30, 2019. (The default amount does not include any payments which have been  
36 suspended.)

1       2. In order to continue to receive protection of the U.S. Bankruptcy Court you must complete  
2       one of the following within 21 days:

3           a. Bring the case current by paying in certified funds to the Trustee the amount of \$1,200.00;  
4           (Mail payments to the lock box address: PO Box 50009, San Jose, CA 95150-0009)

5           OR

6           b. Meet and confer, by telephone, with the Trustee's representative AND enter into an  
7           agreement to cure the default in a manner which is acceptable to the Trustee; OR  
8           c. File and serve a motion to modify plan which proposes terms under which you will not be  
9           in default and which will provide for plan completion within 60 months of the original time  
10          that the first payment under the original confirmed plan was due. If you pursue this option,  
11          you must also promptly obtain an order granting the motion to modify.

12       **3. IF YOU FAIL TO ACT, YOUR CASE WILL BE DISMISSED WITHOUT ANY  
13           FURTHER NOTICE OR HEARING.**

14       **PLEASE CONTACT YOUR ATTORNEY IMMEDIATELY. YOUR ATTORNEY MAY  
15           BE ABLE TO ASSIST YOU.**

16       Dated: September 17, 2019

17       \_\_\_\_\_  
18       /s/ DEVIN DERHAM-BURK

19       DEVIN DERHAM-BURK  
20       Chapter 13 Standing Trustee

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2                   **CERTIFICATE OF SERVICE BY MAIL**  
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5 I hereby declare that I am over the age of 18 years, not a party to the within cause; my business  
6 address is 983 University Ave., Bldg. C-100, Los Gatos, CA 95032. I served the within Notice  
7 of Default in Chapter 13 Plan Payments and Demand for Cure by placing same in an envelope in  
8 the U.S. Mail at Los Gatos, California on September 17, 2019. Said envelopes were addressed  
9 as follows:  
10  
11

RUSSELL D HANES  
3073 HELENA WAY  
MARINA, CA 93933

12 In addition to any paper copies served by U.S. Mail, registered ECF participants, including parties  
13 who have requested Special Notice in this case, will receive an electronic copy of the foregoing  
14 document when it has been filed with the Court.  
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Dated: September 17, 2019

/s/ Esmeralda Mejia

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18                   Office of DEVIN DERHAM-BURK  
19                   Chapter 13 Standing Trustee  
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